

*McMATHON / J*

Ted Poretz  
Ellenoff Grossman & Schole LLP  
150 East 42nd Street  
New York, New York 10017  
Telephone: (212) 370-1300

*Attorneys for Plaintiff*

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SOUTH CHERRY STREET, LLC,

Plaintiff,

-against-

HENNESSEE GROUP L.L.C., ELIZABETH  
LEE HENNESSEE, and CHARLES A.  
GRADANTE,

Defendants.

Case No. 06 CV 2943 (CM)

STIPULATION OF SUBSTITUTION  
OF COUNSEL

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, that with the law firm of Ellenoff Grossman & Schole, LLP, 150 East 42nd Street, New York, New York 10017, shall be substituted as attorneys of record for the plaintiff South Cherry Street, LLC in the above-captioned action in the place of Bingham McCutchen LLP 399

A71141M01

Park Avenue, New York, New York 10022, as of the date hereof. All papers should be served upon Ellenoff Grossman & Schole, LLP henceforth.

Dated: New York, New York.  
May 30, 2008

ELLENOFF GROSSMAN & SCHOLE LLP

BINGHAM MCCUTCHEN LLP

By: 

Ted Poretz

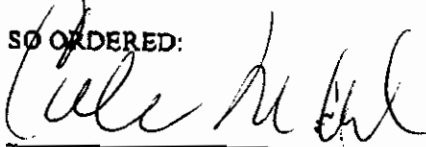
150 East 42nd Street  
New York, NY 10017  
Tel: (212) 370-1300  
email: tporetz@egsllp.com  
*Incoming Attorneys for Plaintiff*

By: 

Edward L. Powers

399 Park Avenue  
New York, NY 10022-4689  
Tel: (212) 705-7000  
email: epowers@bingham.com  
*Outgoing Attorneys for Plaintiff*

SO ORDERED:



U.S.D.J.

6-3-2008

Ted Poretz  
Ellenoff Grossman & Schole LLP  
150 East 42nd Street  
New York, New York 10017  
Telephone: (212) 370-1300

*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SOUTH CHERRY STREET, LLC,

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-against-

HENNESSEE GROUP L.L.C., ELIZABETH  
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GRADANTE,

Defendants.

Case No. 06 CV 2943 (CM)

**AFFIDAVIT IN SUPPORT OF  
SUBSTITUTION OF COUNSEL**

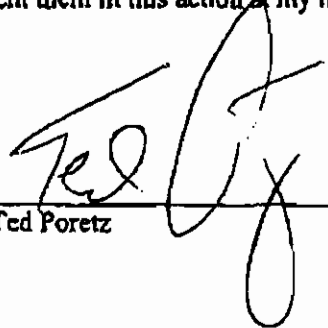
STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NEW YORK    )

Ted Poretz, being duly sworn, deposes and says:


1. I am a partner with the law firm of Ellenoff Grossman & Schole, LLP, 150 East 42nd Street, New York, New York 10017, new counsel for South Cherry Street, LLC, plaintiff in this action.
2. I submit this affidavit pursuant to Local Rule 1.4 in support of the substitution of our firm as counsel for the defendants in the place and stead of out going counsel Bingham McCutchen LLP, 399 Park Avenue, New York, New York 10022.

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3. I am the principal attorney for the plaintiff in this action. I have recently left Bingham McCutchen LLP and joined Ellenoff Grossman & Schole, LLP. The Plaintiff has requested that I continue to represent them in this action at my new firm.

  
Ted Poretz

Sworn to before me this  
2<sup>nd</sup> day of June 2008

  
PAUL MAPP  
Notary Public, State of New York  
No. 03-4950922  
Qualified in New York County  
Commission Expires May 8, 20\_\_

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**CERTIFICATE OF SERVICE**

David Marcus, an attorney admitted to practice before this Court, hereby certifies under the penalties of perjury the following:

I am employed by the law firm of Bingham McCutchen LLP, over the age of 18 and not a party to this action.

On this date, the 2nd of June, 2008, I caused the annexed Stipulation of Substitution of Counsel with Supporting Affidavit to be served by First Class Mail on the following:

Bennett Falk, Esq.  
Bressler Amery & Ross  
2810 SW 149th Avenue  
Miramar, FL 33027

Bennett Falk, Esq.  
Bressler Amery & Ross  
17 State Street  
New York, NY 10004



David Marcus

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